

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
JUSTIN SATHUE,	:	
	:	
Plaintiff,	:	
	:	20cv1968 (DLC)
-v-	:	
	:	<u>ORDER</u>
EQUIFAX INFORMATION SERVICES LLC,	:	
CITIGROUP INCORPORATED, FIRST DATA	:	
CORP., and LEXISNEXIS RISK SOLUTIONS,	:	
LLC,	:	
Defendants.	:	
	:	
-----X	:	

DENISE COTE, District Judge:

This action was removed from New York State Court on March 5, 2020. On April 22, defendant LexisNexis Risk Solutions, LLC ("LexisNexis") filed a motion to dismiss the complaint pursuant to Rule 12(b)(6), Fed. R. Civ. P.¹ On April 24, plaintiff was given the opportunity to file any amended complaint or oppose LexisNexis's motion to dismiss by May 15, 2020.² To date, plaintiff has not filed any amended complaint, opposed LexisNexis's motion to dismiss, or sought an extension.

On a motion to dismiss where plaintiff is proceeding pro se, a court should "construe [p]laintiff's pro se complaint liberally to raise the strongest arguments that it suggests." Costabile v. New York City Health & Hosps. Corp., 951 F.3d 77,

¹ The claims against the defendants Equifax Information Services LLC, First Data Corp., and Citigroup N.A. were dismissed in an Order of April 21, 2020.

² Plaintiff has consented to receive electronic service in this action and received electronic notice of the April 24 Order and LexisNexis's motion to dismiss when those documents were filed.


80 (2d Cir. 2020) (citation omitted). Nonetheless, a pro se complaint "must plead enough facts to state a claim to relief that is plausible on its face, and that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." Id. at 80-81 (citation omitted). Although the Court is "obligated to draw the most favorable inferences that plaintiff's complaint supports, [it] cannot invent factual allegations that he has not pled." Id. at 81 (citation omitted).

As set forth in the New York civil court pleading, the totality of plaintiff's allegations is that "the negligence of the defendant and willful failure to resolve ID theft, [and] willful failure to comply with FCRA as amended" caused him \$10,000 in damages. Accordingly, it is hereby

ORDERED that the unopposed April 22 motion to dismiss is granted. The Clerk of Court is directed to close the case.

SO ORDERED:

Dated: New York, New York
June 1, 2020



DENISE COTE
United States District Judge